

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37942 of 2020

Arising Out of PS. Case No.-80 Year-2020 Thana- BIKRAM District- Patna

ANITA DEVI W/o Ramakant Singh @ Kariman Singh R/o Village- Beni Bigaha, P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-07-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends her arrest in Bikram PS Case No. 80/2020 registered under Section 8, 20 and 22 of the NDPS Act and under Section 30 (a), 37(b) and 37(c) of the Bihar Prohibition & Excise Act.

The informant alleged that he got information that accused of Bikram PS case No. 127/2017 was at his home and he had kept liquor in his house. On such a raid was conducted. It is alleged that 606.225 liters of liquor and three packets each containing Ganja weighing about four kg were recovered from under the earth situated in the cow shed of the Kariman Sharma, husband of the petitioner.



The learned counsel for the petitioner submits that petitioner is wife of Kariman Sharma. The police also registered Bikram PS case No. 79/2020 u/s 307, 353 and other Sections of the IPC on the allegation that when police came to arrest the husband of the petitioner, his family members, including the petitioner, made hue and cry and pelted stones and restrained the police officials from discharging their duties. The petitioner has already been granted anticipatory bail in that case. It is further submitted that liquor and Ganja was recovered from under the earth situated in the cow shed. The cow shed is outside the house and the petitioner being wife of Kariman Sharma had no knowledge about keeping of liquor and Ganja in the cow shed but only because petitioner is wife of Kariman Sharma she has been made accused in both the cases.

The learned APP, however, opposed the prayer for anticipatory bail.

Having considered the submissions, it appears that police registered two cases, Bikram PS case No. 79/2020 for objecting the arrest of Kariman Sharma @ Ramakant Singh @ Kariman Singh and the present case. The petitioner has already been granted bail in Bikram PS case No. 79/2020 and in the present case the petitioner is made accused only because huge



quantity of liquor and Ganja were recovered from the cow shed. The police also got secret inputs about keeping of liquor and Ganja by the husband of the petitioner but the police did not get any inputs about knowledge of the petitioner in keeping the liquor and Ganja. The petitioner is a lady and there is no such material to show the involvement of the petitioner in keeping liquor and Ganja in the cow shed.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt of this order shall be enlarged on bail on her furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Bikram PS case No. 80/2020, subject to conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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